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REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES**

(covering its work during 1996)

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CHAPTER XI

TOKELAU**

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* A/51/150.

** This document contains chapter XI of the Special Committee's report to the General Assembly. The general introductory chapter will be issued under the symbol A/51/23 (Part I). Other chapters of the report will be issued under the symbol A/51/23 (Parts II-VI and VIII). The complete report will be issued subsequently as Official Records of the General Assembly, Fifty-first Session, Supplement No. 23 (A/51/23).

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CHAPTER XI

TOKELAU

A. Consideration by the Special Committee

1. At its 1454th meeting, on 16 February 1996, by adopting the suggestions relating to the organization of its work put forward by the Chairman (A/AC.109/L.1841), the Special Committee decided, inter alia, to allocate to the Subcommittee on Small Territories, Petitions, Information and Assistance for its consideration the question of Tokelau.

2. In view of Tokelau's own decision-making agenda and related changes to the legislative framework for Tokelau, the Chairman of the Special Committee was requested by the Permanent Representative of New Zealand to the United Nations to allow the Administrator of Tokelau and the Faipule of Tokelau to appear before the Special Committee to allow it to hear, at first hand, how decisions on Tokelau's future status are being made. Accordingly, the Subcommittee recommended that in 1996 the draft resolution on specific conditions prevailing in Tokelau be considered and adopted by the Special Committee.

3. The Special Committee considered the question of Tokelau as a separate item at its 1463rd meeting, on 25 July 1996. It also considered the question within the context of the 12 Territories at its plenary meetings (see A/51/23 (Part VI), chap. X).

4. In its consideration of the questions, the Special Committee took into account the provisions of General Assembly resolution 50/38 A of 6 December 1995 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. In paragraph 12 of that resolution, the Assembly requested the Committee, inter alia, to continue the examination of the question of the small Territories and to recommend to the Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination. The Committee also took into account relevant resolutions and decisions adopted by the Assembly on the Territories.

5. The delegation of New Zealand, in its capacity as administering Power concerned and in accordance with established procedures, continued to participate in the work of the Special Committee in relation to Tokelau.

6. At the 1463rd meeting, on 25 July, the Acting Chairman drew attention to a draft resolution on Tokelau (A/AC.109/L.1851).

7. At the same meeting, the statements were made by the Administrator of Tokelau and the Ulu-o-Tokelau (see A/AC.109/SR.1463).

8. Following statements made by the representatives of Papua New Guinea and Cuba, wherein they endorsed the draft resolution (see A/AC.109/SR.1463), the Special Committee adopted draft resolution A/AC.109/L.1851 without a vote.

9. On 1 August, the text of the resolution (A/AC.109/2069) was transmitted to the Permanent Representative of New Zealand for the attention of his Government.

B. Decision of the Special Committee

10. The text of the resolution (A/AC.109/2069), adopted by the Special Committee at its 1463rd meeting, on 25 July 1996 (see para. 8), appears in section C, in the form of a recommendation of the Special Committee to the General Assembly.

C. Recommendation of the Special Committee

11. In accordance with decisions taken at its 1454th and 1463rd meetings, on 16 February and 25 July 1996, respectively, the Special Committee recommends to the General Assembly the adoption of the following draft resolution:

Question of Tokelau

The General Assembly,

Having considered the question of Tokelau,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the question of Tokelau, 1/

Recalling the solemn declaration on the future status of Tokelau delivered by the Ulu-o-Tokelau on 30 July 1994, that an act of self-determination in Tokelau is now under active consideration, together with the constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Recalling also the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with the Special Committee relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Recalling the dispatch in 1994 of a United Nations visiting mission to Tokelau,

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case-study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. *Notes* that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for

Non-Self-Governing Territories contained in Principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. Also notes Tokelau's desire to move at its own pace towards an act of self-determination;

3. Commends Tokelau for seeking on the basis of wide consultation with its people a form of national government that reflects its unique traditions and environment, and for charting its own constitutional course;

4. Acknowledges the collaboration between New Zealand and Tokelau regarding the Tokelau Amendment Act 1996, which provides Tokelau's national government with a legislative power, supplementing the executive power delegated in 1994;

5. Also acknowledges Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination, and the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

6. Welcomes the assurances of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

7. Invites the administering Power and United Nations agencies to continue their assistance to the social and economic development of Tokelau.

Notes

1/ The present chapter.